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7                   UNITED STATES DISTRICT COURT  
8                   WESTERN DISTRICT OF WASHINGTON  
9                   AT SEATTLE

10 KEVIN JORY BRAA,

11                   Petitioner,

12                   Case No. C24-167-JCC-MLP

13                   v.

14                   JEFFEREY PERKINS,

15                   Respondent.

16                   ORDER OF TRANSFER

17                   Petitioner Kevin Braa is a state prisoner who is currently incarcerated at the Coyote  
18 Ridge Corrections Center in Connell, Washington. The Court has received from Petitioner a  
19 petition for writ of habeas corpus under 28 U.S.C. § 2254, which seeks to challenge a 2008  
20 judgment and sentence of the Snohomish County Superior Court. (Dkt. # 6.) Petitioner submitted  
21 with his petition an application for leave to file a second or successive petition under § 2254,  
22 which was directed to the United States Court of Appeals for the Ninth Circuit but was filed in  
23 this Court instead. (Dkt. # 6-1.) Petitioner indicated in his application for leave to file a second or  
successive petition that he had previously filed a federal habeas petition in this district  
challenging the same Snohomish County Superior Court conviction, which was dismissed as

1 time barred. (*See id.* at 2.) This Court's records confirm that Petitioner filed a previous petition  
2 here which was dismissed in March 2013. *See Braa v. Uttecht*, C12-1654-RSL.

3 As Petitioner is apparently aware, this Court is without jurisdiction to consider a  
4 successive petition until the Ninth Circuit Court of Appeals has authorized its filing. 28 U.S.C.  
5 § 2244(b)(3)(A). Indeed, it appears that Petitioner's materials were sent to this Court in error and  
6 were intended to have been submitted to the Ninth Circuit in the first instance. Accordingly, this  
7 case is hereby TRANSFERRED to the Ninth Circuit Court of Appeals pursuant to 28 U.S.C.  
8 § 1631 and Ninth Circuit Rule 22-3.

9 The Clerk is directed to close this case and to transfer all original documents to the Ninth  
10 Circuit Court of Appeals. The Clerk shall, however, retain a copy of the petition and of this  
11 Order in the file. The Clerk is further directed to send a copy of this Order to Petitioner and to  
12 the Honorable Michelle L. Peterson.

13 DATED this 19th day of March, 2024.

14   
15 JOHN C. COUGHENOUR  
16 United States District Judge

17 Recommended for Entry this  
18 19th day of March, 2024.

19   
20 MICHELLE L. PETERSON  
21 United States Magistrate Judge  
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